

ORIGINAL
United States District Court
for the Southern District of Georgia
Brunswick Division

FILED
U.S. DIST. COURT
BRUNSWICK DIV.

2005 MAY -6 P 2:42

CLERK *[Signature]*
ST. OF GA.

SHANDACE GREEN, as Parent	:	CIVIL ACTION
and Natural Guardian of	:	
JOSEPH WESLEY LYNN, a	:	
minor, and CYNTHIA L. HURD,	:	
as Temporary administratrix	:	
and Applicant for Letters of	:	
Administration of the Estate	:	
of JOSEPH LYNN, deceased,	:	
 Plaintiffs,	:	
 v.	:	
 GLYNN COUNTY, GEORGIA,	:	
JOHN DOE "4", JOHN DOE "5",	:	
and JOHN DOE "7",	:	
 Defendants.	:	NO. CV201-52


O R D E R

On April 3, 2003, the Court granted the remaining named Defendant, Glynn County, Georgia's, motion to stay the case pending the outcome of two Eleventh Circuit cases. Presently before the Court are Plaintiffs' motion to lift the stay and Defendant's motion to dismiss for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

In light of the Eleventh Circuit Court of Appeal's decisions in Manders v. Lee, 338 F.3d 1304 (11th Cir. 2003) (*en banc*), cert. denied, 540 U.S. 1107, 124 S. Ct. 1061, 157 L. Ed. 2d 892 (2004), and Grech v. Clayton County, 335 F.3d 1326 (11th Cir. 2003) (*en banc*), it is hereby ordered that Plaintiffs' motion to lift the stay (Doc. No. 84) is **GRANTED** and the stay of proceedings previously entered in the above captioned case is **LIFTED**. The Clerk is directed to reopen the case.

Furthermore, it appears that more than twenty (20) months¹ elapsed from the time that the Eleventh Circuit rendered its decisions in Manders and Grech and Plaintiffs' moved to reopen the instant case. Accordingly, let Plaintiffs show cause in writing within ten (10) days from the date of this order why this case should not be dismissed for failure to prosecute.

SO ORDERED, this 6th day of May, 2005.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ The Court notes that while twenty (20) months elapsed from the date the Eleventh Circuit rendered its decisions, only fourteen (14) months elapsed from the date the United States Supreme Court denied certiorari in Manders on January 12, 2004.

UNITED STATES DISTRICT COURT
Southern District of Georgia

Case Number: 2:01-cv-00052
Date Served: May 6, 2005
Served By: Sherry L. Taylor

Attorneys Served:

Austin E. Catts, Esq.
Todd C. Brooks, Esq.
Terry L. Readdick, Esq.

☐ Copy placed in Minutes
☐ Copy given to Judge
☒ Copy given to Magistrate